

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
vs.)	NO. CR-03-198-HE
)	
MARSHALL CANTRELL TAYLOR,)	
)	
Defendant.)	

ORDER


This case is before the court pursuant to the judgment of the Court of Appeals filed June 28, 2005, which remanded the case for further proceedings in accordance with the opinion of that Court. A hearing was conducted September 6, 2005, at which defendant appeared personally and by counsel. After considering the evidence offered by the parties and the statements of counsel, the court finds the California state court convictions upon which the application of 18 U.S.C. §924(e) was, in part,¹ premised were committed on occasions different from one another, within the meaning of §924(e). These facts were established with evidence satisfying the standards set out in Shepard v. United States, 125 S.Ct. 1254 (2005). Accordingly, having found the relevant facts to be consistent with this court's prior determination, the judgment entered May 13, 2004, is confirmed in all respects.²

¹*The application of §924(e) also took into account an Oklahoma state court conviction.*

²*Defendant raised certain additional arguments as to the constitutionality of judge-made findings as to the facts involving his prior criminal record. The court views these arguments as being outside the scope of the limited remand ordered in this case and, in any event, as contrary to existing law.*

IT IS SO ORDERED.

Dated this 7th day of September, 2005.



JOE HEATON
UNITED STATES DISTRICT JUDGE